



General Assembly

January Session, 2009

**Raised Bill No. 6709**

LCO No. 5063

\*05063\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE DEPARTMENT OF CORRECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) The Commissioner of  
2 Correction shall not disclose the personnel or medical file or any  
3 similar file including, but not limited to, a record of a departmental  
4 security investigation or investigation of a discrimination complaint of  
5 a current or former employee of the Department of Correction to any  
6 individual committed to the custody or supervision of the  
7 Commissioner of Correction or confined to the Whiting Forensic  
8 Division, except pursuant to a court order.

9 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) A person is guilty of  
10 possession of an electronic wireless communication device in a  
11 correctional institution when, being an inmate of a correctional  
12 institution, such person knowingly conveys from place to place or has  
13 in such person's possession or under such person's control an  
14 electronic wireless communication device.

15 (b) Possession of an electronic wireless communication device in a  
16 correctional institution is a class D felony.

17 Sec. 3. Section 18-85 of the general statutes is repealed and the  
18 following is substituted in lieu thereof (*Effective July 1, 2009*):

19 (a) The Commissioner of Correction, after consultation with the  
20 Commissioner of Administrative Services and the Secretary of the  
21 Office of Policy and Management, shall establish a schedule of  
22 compensation for services performed on behalf of the state by inmates  
23 of any institution or facility of the department. Such schedule shall  
24 recognize degrees of merit, diligence and skill in order to encourage  
25 inmate incentive and industry.

26 (b) Compensation so earned shall be deposited, under the direction  
27 of the [administrative head of such institution or facility, in an inmate's  
28 individual account] Commissioner of Correction, in a savings bank or  
29 state bank and trust company in this state [, and funds from such  
30 account may be transferred to the inmate's discharge savings account  
31 pursuant to section 18-84a. Any amount in such accounts] or an  
32 account administered by the State Treasurer. Any compensation so  
33 earned shall be paid to the inmate on the inmate's [discharge] release  
34 from incarceration, except that the [warden or Community  
35 Correctional Center Administrator] commissioner may, while the  
36 inmate is in custody, disburse any compensation earned by such  
37 inmate in accordance with the following priorities: (1) Federal taxes  
38 due; (2) restitution or payment of compensation to a crime victim  
39 ordered by any court of competent jurisdiction; (3) payment of a civil  
40 judgment rendered in favor of a crime victim by any court of  
41 competent jurisdiction; (4) victims compensation through the criminal  
42 injuries account administered by the Office of Victim Services; (5) state  
43 taxes due; (6) support of the inmate's dependents, if any; (7) the  
44 inmate's necessary travel expense to and from work and other  
45 incidental expenses; (8) payments to the inmate's discharge savings  
46 account under section 18-84a, as amended by this act; (9) costs of such  
47 inmate's incarceration under section 18-85a, as amended by this act,  
48 and regulations adopted in accordance with said section; and [(9)] (10)  
49 payment to the clerk of the court in which an inmate, [of a community

50 correctional center, held] confined in a correctional facility only for  
51 payment of a fine, was convicted, such portion of such compensation  
52 as is necessary to pay such fine. Any interest that accrues shall be  
53 credited to any institutional fund established for the welfare of  
54 inmates. Compensation under this section shall be in addition to any  
55 compensation received or credited under section 18-50.

56 Sec. 4. Section 18-84a of the general statutes is repealed and the  
57 following is substituted in lieu thereof (*Effective July 1, 2009*):

58 (a) The Commissioner of Correction shall require each inmate  
59 sentenced to a term of incarceration by a court of this state to  
60 accumulate savings to be paid to the inmate on the inmate's  
61 [discharge] release from incarceration by establishing a discharge  
62 savings account on behalf of the inmate. Any inmate sentenced to a  
63 term of incarceration by a court of this state but confined in a facility  
64 outside this state shall be exempt from such requirement while  
65 confined in such facility.

66 (b) For the purpose of establishing such discharge savings account,  
67 the commissioner may impose a deduction of up to ten per cent on all  
68 deposits [made] credited to the inmate's individual account, provided  
69 the commissioner (1) [transfers] credits such deduction to the inmate's  
70 discharge savings account, and (2) ceases imposition [and transfer] of  
71 such deduction whenever the amount in the inmate's discharge  
72 savings account is equal to one thousand dollars.

73 (c) [If] Whenever the amount in the inmate's discharge savings  
74 account [is equal to] equals one thousand dollars, the commissioner  
75 shall impose a deduction of ten per cent on all deposits made to the  
76 inmate's individual account to the extent necessary to reimburse the  
77 state for the costs of the inmate's incarceration pursuant to section 18-  
78 85a, as amended by this act, and the regulations adopted pursuant to  
79 said section. [18-85a.]

80 (d) Disbursement to the inmate from the inmate's discharge savings

81 account upon the inmate's release from incarceration shall not be  
82 reduced by any disbursement required by sections 18-85, as amended  
83 by this act, 18-85b, 18-85c and 18-101, as amended by this act.

84 (e) The commissioner may adopt regulations, in accordance with the  
85 provisions of chapter 54, to implement this section.

86 Sec. 5. Section 18-85a of the general statutes is repealed and the  
87 following is substituted in lieu thereof (*Effective July 1, 2009*):

88 (a) The Commissioner of Correction shall adopt regulations, in  
89 accordance with the provisions of chapter 54, concerning the  
90 assessment of inmates of correctional institutions or facilities for the  
91 costs of their incarceration.

92 (b) The state shall have a claim against each inmate for the costs of  
93 such inmate's incarceration under this section, and regulations  
94 adopted in accordance with this section, for which the state has not  
95 been reimbursed. Any property owned by such inmate may be used to  
96 satisfy such claim, except property that is: (1) Exempt pursuant to  
97 section 52-352b or 52-352d, except as provided in subsection (b) of  
98 section 52-321a; (2) subject to the provisions of section 54-218; (3)  
99 acquired by such inmate after the inmate is released from  
100 incarceration, but not including property so acquired that is subject to  
101 the provisions of section 18-85b, 18-85c or 52-367c, and except as  
102 provided in subsection (b) of section 52-321a; (4) acquired by such  
103 inmate for work performed during incarceration as part of a program  
104 designated or defined in regulations adopted by the Commissioner of  
105 Correction, in accordance with the provisions of chapter 54, as a job  
106 training, skill development or career opportunity or enhancement  
107 program, other than a program established pursuant to section 18-90b,  
108 as amended by this act, except that the commissioner may assess a fee  
109 for participation in any such program; or (5) [deposited in] credited to  
110 a discharge savings account pursuant to section 18-84a, as amended by  
111 this act, not in excess of one thousand dollars. In addition to other  
112 remedies available at law, the Attorney General, on request of the

113 Commissioner of Correction, may bring an action in the superior court  
114 for the judicial district of Hartford to enforce such claim, provided no  
115 such action shall be brought but within two years from the date the  
116 inmate is released from incarceration or, if the inmate dies while in the  
117 custody of the commissioner, within two years from the date of the  
118 inmate's death, except that such limitation period shall not apply if  
119 such property was fraudulently concealed from the state.

120 Sec. 6. Section 18-101 of the general statutes is repealed and the  
121 following is substituted in lieu thereof (*Effective July 1, 2009*):

122 (a) When any [person] inmate to whom privileges have been  
123 granted under section [18-90b or] 18-100 is employed for  
124 compensation, the Commissioner of Correction or the commissioner's  
125 designee shall collect such compensation or require such [person]  
126 inmate to deliver to the commissioner the full amount of such  
127 compensation when received. The commissioner or [such] the  
128 commissioner's designee shall [deposit] credit such funds in trust in  
129 [an] the inmate's individual account and shall keep a record showing  
130 the status of the account of each [person. Compensation received by  
131 such person during such person's term of imprisonment shall not be  
132 subject to levy or attachment] inmate.

133 (b) On granting privileges to any [person] inmate under section [18-  
134 90b or] 18-100, the commissioner or the commissioner's designee shall  
135 disburse any compensation earned by such [person] inmate in  
136 accordance with the following priorities: (1) Federal taxes due; (2)  
137 restitution or payment of compensation to a crime victim ordered by  
138 any court of competent jurisdiction; (3) payment of a civil judgment  
139 rendered in favor of a crime victim by any court of competent  
140 jurisdiction; (4) victims compensation through the criminal injuries  
141 account administered by the Office of Victim Services; (5) state taxes  
142 due; (6) support of such [person's] inmate's dependents, if any; (7) such  
143 [person's] inmate's necessary travel expense to and from work and  
144 other incidental expenses; [and] (8) payments to the inmate's discharge

145 savings account under section 18-84a, as amended by this act; and (9)  
146 costs of such [person's] inmate's incarceration under section 18-85a, as  
147 amended by this act, and regulations adopted in accordance with said  
148 section. The commissioner shall pay any balance remaining to such  
149 [person] inmate upon the [person's discharge] inmate's release from  
150 incarceration including any amount [transferred] credited to a  
151 discharge savings account pursuant to section 18-84a, as amended by  
152 this act. Each [person] inmate gainfully self-employed shall pay to the  
153 commissioner the costs of such [person's] inmate's incarceration under  
154 section 18-85a, as amended by this act, and regulations adopted in  
155 accordance with said section, and on default in payment thereof the  
156 [person's] inmate's participation under section 18-100 shall be revoked.

157 (c) The commissioner or the commissioner's designee shall notify  
158 the Commissioner of Social Services and the welfare department of the  
159 town where the dependents of any [person] inmate employed under  
160 the provisions of section 18-90b, as amended by this act, or 18-100  
161 reside of the amounts of any payments being made to such  
162 dependents.

163 Sec. 7. Section 18-90b of the general statutes is repealed and the  
164 following is substituted in lieu thereof (*Effective July 1, 2009*):

165 (a) The Commissioner of Correction is authorized to establish a pilot  
166 program involving the use of inmate labor in private industry  
167 consistent with governing federal guidelines.

168 (b) The commissioner may enter into such contracts as may be  
169 necessary to fully implement the pilot program. Such contractual  
170 agreements may include rental or lease agreements for state buildings  
171 or portions thereof on the grounds of any institution or facility of the  
172 Department of Correction and for any real property needed for  
173 reasonable access to and egress from any such building for the purpose  
174 of establishing and operating a factory for the manufacturing and  
175 processing of goods, wares or merchandise or the provision of service  
176 or any other business or commercial enterprise deemed by the

177 commissioner to enhance the general welfare of the inmate population.

178 (c) An inmate may participate in the program established pursuant  
179 to this section only on a voluntary basis and only after he has been  
180 informed of the conditions of his employment.

181 (d) No inmate participating in the program shall be paid less than  
182 the prevailing wage for work of similar nature in private industry.

183 (e) Inmate participation in the program shall not result in the  
184 displacement of employed workers and shall not impair existing  
185 contracts for services.

186 (f) Nothing contained in this section shall be deemed to restore in  
187 whole or in part the civil rights of any inmate. No inmate compensated  
188 for participation in the program shall be considered an employee of the  
189 state or exempt from the provisions of section 18-84a, as amended by  
190 this act, or section 18-85a, as amended by this act.

191 (g) The provisions of subsection (j) of section 18-88 shall not apply to  
192 any articles, materials or products manufactured or produced by  
193 institutional inmates pursuant to this section.

194 Sec. 8. Section 54-100 of the general statutes is repealed and the  
195 following is substituted in lieu thereof (*Effective July 1, 2009*):

196 (a) The method of inflicting the punishment of death shall be by  
197 continuous intravenous injection of a substance or substances in a  
198 quantity sufficient to cause death, in accordance with procedures  
199 prescribed by the Commissioner of Correction in consultation with the  
200 Commissioner of Public Health. The Commissioner of Correction shall  
201 direct a warden of an appropriate correctional institution to appoint a  
202 suitable person or persons to perform the duty of executing sentences  
203 of the court requiring the infliction of the death penalty. Such person  
204 or persons shall receive, for such duty, such compensation as is  
205 determined by the Commissioner of Correction. When any person is  
206 sentenced to death by any court of this state having competent

207 jurisdiction, he shall, within twenty days after final sentence, be  
208 conveyed to an appropriate correctional institution and such  
209 punishment shall be inflicted only within the walls of said institution,  
210 within an enclosure to be prepared for that purpose under direction of  
211 the warden of said institution. Such enclosure shall be so constructed  
212 as to exclude public view.

213 (b) Besides the warden or deputy warden and such number of  
214 correctional staff as he thinks necessary, the following persons may be  
215 present at the execution: The Commissioner of Correction, a physician,  
216 a clergyman in attendance upon the prisoner and such other adults, as  
217 the prisoner may designate, not exceeding three in number, news  
218 media representatives and such other persons as the commissioner  
219 deems appropriate. The total number of witnesses permitted at an  
220 execution shall be governed by space and security requirements and  
221 the Commissioner of Correction shall make the final determination of  
222 such number. News media representatives present at an execution  
223 shall include representatives of newspapers, broadcasters and news  
224 services, who shall report on behalf of all news media. The number of  
225 news media representatives present at an execution shall be nine,  
226 except that the commissioner, in his discretion, may authorize a  
227 greater number of such representatives or, for specified reasons of  
228 space or security, may reduce such number of representatives. The  
229 commissioner may exclude a witness for specified reasons of security.

230 (c) Notwithstanding any provision of the general statutes, any  
231 portion of a record that identifies or could identify the person or  
232 persons appointed pursuant to subsection (a) of this section to perform  
233 the duty of executing sentences requiring the infliction of the death  
234 penalty shall be confidential and shall not be disclosed, and shall not  
235 be subject to discovery, subpoena or other compulsory process.

236 Sec. 9. Section 18-100c of the general statutes is repealed and the  
237 following is substituted in lieu thereof (*Effective from passage*):

238 A person convicted of a crime who is incarcerated on or after July 1,

239 1993, who received a definite sentence of two years or less, and who  
240 has been confined under such sentence for not less than one-half of the  
241 sentence imposed by the court, less such time as may have been earned  
242 under the provisions of section 18-7, 18-7a, 18-98a, 18-98b or 18-98d,  
243 may be released pursuant to subsection (e) of section 18-100 or to any  
244 other community correction program approved by the Commissioner  
245 of Correction or to the United States Bureau of Immigration and  
246 Customs Enforcement.

247 Sec. 10. Subsection (c) of section 1-210 of the general statutes is  
248 repealed and the following is substituted in lieu thereof (*Effective July*  
249 *1, 2009*):

250 (c) (1) Whenever a public agency receives a request from any person  
251 confined in a correctional institution or facility or a Whiting Forensic  
252 Division facility, for disclosure of any public record under the  
253 Freedom of Information Act, the public agency shall promptly notify  
254 the Commissioner of Correction or, [the Commissioner of Mental  
255 Health and Addiction Services] in the case of a person confined in a  
256 Whiting Forensic Division facility, the Commissioner of Mental Health  
257 and Addiction Services of such request, in the manner prescribed by  
258 the commissioner, before complying with the request as required by  
259 the Freedom of Information Act. If the commissioner notified of the  
260 request believes the requested record is exempt from disclosure  
261 pursuant to subdivision (18) of subsection (b) of this section, the  
262 commissioner may withhold such record from such person when the  
263 record is delivered to the person's correctional institution or facility or  
264 Whiting Forensic Division facility.

265 (2) Whenever a public agency receives a request from any person for  
266 disclosure of any public record under the Freedom of Information Act  
267 regarding a correctional institution or facility or a Whiting Forensic  
268 Division facility, the public agency shall promptly notify the  
269 Commissioner of Correction or, in the case of a request regarding a  
270 Whiting Forensic Division facility, the Commissioner of Mental Health

271 and Addiction Services of such request, in the manner prescribed by  
272 the commissioner, before complying with the request as required by  
273 the Freedom of Information Act. If the commissioner notified of the  
274 request believes the requested record is exempt from disclosure  
275 pursuant to subdivision (18) of subsection (b) of this section, the  
276 commissioner may require the public agency that received the request  
277 to withhold such record from such person.

278 Sec. 11. Section 18-101b of the general statutes is repealed and the  
279 following is substituted in lieu thereof (*Effective October 1, 2009*):

280 (a) Any inmate of a correctional facility under the authority of the  
281 Department of Correction, involved in a departmental program for  
282 drug dependent inmates or in a departmental work or education  
283 release program, may request that he be allowed to remain in a  
284 correctional facility for up to ninety days beyond his parole release or  
285 discharge date.

286 (b) Any inmate of a correctional facility under the authority of the  
287 Department of Correction may request that he be allowed to remain in  
288 a correctional facility for up to ninety days beyond his discharge date  
289 (1) if such inmate is scheduled to be discharged to a treatment program  
290 or health care institution but the program or institution is unable to  
291 accept the inmate on the scheduled discharge date, or (2) for any  
292 compelling reason deemed consistent with offender rehabilitation or  
293 treatment.

294 [(b)] (c) Any person under the jurisdiction of the Department of  
295 Correction, involved in a program operated by a state department  
296 other than the Department of Correction, may request that he be  
297 allowed to remain in such program for up to ninety days beyond his  
298 parole release or discharge date.

299 [(c)] (d) Any inmate requesting permission to remain in a  
300 correctional facility, as provided in subsection (a) or (b) of this section  
301 or any person requesting permission to remain in a program, as

302 provided in subsection [(b)] (c) of this section, shall submit such  
 303 request, in writing, to the Commissioner of Correction not later than  
 304 one week prior to the scheduled date for the inmate's parole release or  
 305 discharge.

306 [(d)] (e) Any inmate receiving permission to remain in a correctional  
 307 facility or any person receiving permission to remain in a program  
 308 operated by a state department other than the Department of  
 309 Correction beyond his scheduled date for parole release or discharge  
 310 may be charged a reasonable daily fee by the appropriate department  
 311 while [said inmate is] housed in a facility of said department.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	18-85
Sec. 4	<i>July 1, 2009</i>	18-84a
Sec. 5	<i>July 1, 2009</i>	18-85a
Sec. 6	<i>July 1, 2009</i>	18-101
Sec. 7	<i>July 1, 2009</i>	18-90b
Sec. 8	<i>July 1, 2009</i>	54-100
Sec. 9	<i>from passage</i>	18-100c
Sec. 10	<i>July 1, 2009</i>	1-210(c)
Sec. 11	<i>October 1, 2009</i>	18-101b

**Statement of Purpose:**

To prohibit disclosure of employee files to inmates, prohibit the possession of an electronic wireless communication device by an inmate, revise provisions concerning inmate discharge savings accounts, prohibit the disclosure of the identity of execution teams, authorize the release of inmates to the Bureau of Immigration and Customs Enforcement, require the department be notified when a request is made to a public agency for disclosure of information about a correctional facility and allow an inmate to remain in a correctional facility beyond the inmate's discharge date.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*